

THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.6031 OF 2006

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DATED: 27-03-2006

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BETWEEN

Devabhaktuni Subba Rao,
S/o Venkateswar Rao,
Sarpanch, Kanuru Gram Panchayat,
Penamaluru Mandal,
Krishna District.

...PETITIONER

AND

Government of Andhra Pradesh,
Rep. by the Principal Secretary to Govt.,
Panchayat Rah & Rural Development,
Secretariat Buildings, Hyderabad
and others.

...RESPONDENTS

ORDER:

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Learned counsel for the petitioner submits that the petitioner is the Sarpanch of Kanuru Gram Panchayat, Krishna District. The District Panchayat Officer, Krishna, issued an order dated 27.12.2005 in Roc.No.8812/93/Pts-6 directing the Panchayat Secretary, Kanuru Gram Panchayat to admit 13 candidates into services, who were terminated, as per the

orders of the Andhra Pradesh Administrative Tribunal (APAT) to continue the applicants in service with immediate effect and the salaries of all the reinstated persons have to be borne by the Gram Panchayat. The Gram Panchayat considered the said order and passed a resolution dated 21.01.2006 objecting admission of the said 13 applicants.

As against the said resolution, the Collector (Panchayat Wing), issued the impugned show cause notice dated 09.03.2006 in Roc.No.8812/93 PT.6 for passing said resolution dated 21.01.2006 contrary to the provisions of Section 246(a) of the Andhra Pradesh Panchayat Raj Act, 1994 (for short 'the Act') and therefore, the Gram Panchayat was called upon to submit an explanation as to why appropriate action shall not be taken as per law. As against the impugned show cause notice the Gram Panchayat made a resolution No.117 dated 13.03.2006 requesting the second respondent to furnish copies referred to 1 to 6 in the said show cause notice and to grant 15 days time to submit the explanation.

Learned counsel for the petitioner further submits that without furnishing the copies referred to in the show cause notice the second respondent is bent upon taking action against the petitioner.

I am not inclined to express any opinion on the merits of the case as it is the case of the petitioner that the Gram Panchayat is not at all a party to the proceedings before the APAT and the orders of the Government, therefore, the petitioner requires the said copies referred to 1 to 6 in the show cause notice so as to enable the Gram Panchayat to submit a suitable explanation.

Having regard to the facts and circumstances of the case, the second respondent is directed to furnish the copies referred to 1 to 6 in the impugned show cause notice within ten days from the date of receipt of a copy of this order and thereafter, provide another ten days to the petitioner for submitting explanation. If no explanation is filed within ten days from the date of receipt of the said copies, it is open for the second respondent to take appropriate action, on the other hand, if explanation is filed within ten days, the same may be considered and appropriate orders

may be passed in accordance with law.

The writ petition is accordingly disposed of.

V. ESWARAIAH, J

March 27, 2006

DSK